

EXHIBIT A

CRIMINAL INCIDENT RECORD

PARK RANGER/TECH ☐
1 JUVENILE CASE ☐

2 ORGANIZATION CODE 8 1 4 0		3 SYSTEM AREA United States Park Police/SFFO		4 LOCATION CODE 2 3 0 0		5 YEAR 0 7		CASE/INCIDENT NUMBER 0 0 2 8 6 7					
6 LOCATION OF INCIDENT Crissy Field East Beach-Parking Area				7 BEAT 816	8 WHEN 5 DID IT OCCUR? 0 3	MO. 1	DAY 8	YR. 0 7	9 24 HRS 1	MIN. 3	10 DAY 5	OF WEEK 6	
11 OFFENSE/INCIDENT CODE Drugs-Possession/Heroin/Wanted Person-One Arrest													
WITNESSES COMPLAINANT VICTIM ARRESTED SUSPECT OTHER	14 LAST Hart		FIRST Thomas		MI	C V W	X	15 DATE OF BIRTH		16 PHONE BUSINESS 415-561-5151			
	17 ADDRESS USPP/SFFO		STREET		CITY	STATE	ZIP	18 PHONE RESIDENCE					
	19 LAST		FIRST		MI	C V W		20 DATE OF BIRTH		21 PHONE BUSINESS			
	22 ADDRESS		STREET		CITY	STATE	ZIP	23 PHONE RESIDENCE					
	19 LAST Mays		FIRST Nicole		MIDDLE L	A S W	A	20 DATE OF BIRTH 12-09-78		21 PHONE BUSINESS			
	22 ADDRESS 14150 Church Street		STREET		CITY Guerneville	STATE Ca	ZIP 95446	23 PHONE RESIDENCE					
	29 RACE Wht	30 SEX F	31 AGE 28	32 HGT 5	33 WGT 8	34 EYES grn	35 HAIR brn	36 HAIR LENGTH long	37 HAIR STYLE str	38 FACIAL HAIR none	39 MARKS/SCARS none	40 ARMED WITH none	
	41 HAT None	42 COAT/JACKET black	43 SHIRT blue	44 TROUSERS/SKIRT white	45 SHOES white	46 SOCIAL SECURITY CIDB5320953		47 PDID					
	48 LAST		FIRST		MIDDLE	A	49 DATE OF BIRTH		50 PHONE BUSINESS				
	51 ADDRESS		STREET		CITY	STATE	ZIP	52 PHONE RESIDENCE					
53 RACE		54 SEX	55 AGE	56 HGT	57 WGT	58 EYES	59 HAIR	60 HAIR LENGTH	61 HAIR STYLE	62 FACIAL HAIR	63 MARKS/SCARS	64 ARMED WITH	
65 HAT		66 COAT/JACKET	67 SHIRT	68 TROUSERS/SKIRT	69 SHOES	70 SOCIAL SECURITY		71 PDID					
72 VEHICLE <input type="checkbox"/> INVOLVED IN CRIME <input checked="" type="checkbox"/> KNOWN TO OPERATE		73 YEAR 1986	74 MAKE Toyota	75 MODEL Terrel	76 BODY STYLE 4-DR	77 COLOR Grey	78 TAG NUMBER 5WQK054	79 STATE Ca	80 IDENTIFYING FEATURES/VIN				
81 IMPOUNDED <input type="checkbox"/> STOLEN <input type="checkbox"/> RECOVERED <input type="checkbox"/> SEIZED <input type="checkbox"/> 3-18-2007 1355				REMOVED TO Destination				REMOVED BY		82 NCIC X TELETYPE <input type="checkbox"/> RADIO LOOKOUT <input type="checkbox"/>			
83 ARREST(S) DATE 3-18-2007		84 TIME 1355		85 CHARGE(S) 21 USC 844/36 CFR 2.35/Warrants				86 COURT DATE 4-30-07		87 VALUE STOLEN		88 VALUE RECOVERED	
93 ITEM	NARRATIVE: (1) CONTINUATION OF ABOVE ITEMS, INDICATE ITEM NUMBER AT LEFT, INCLUDE ADDITIONAL WITNESSES AND SUSPECTS. (2) INDICATE HOW NOTIFIED OF INCIDENT, DESCRIBE DETAILS OF INCIDENT. (3) DESCRIBE PROPERTY AND ITS VALUE.								90 STL	91 REC	92 PROP	93 VALUE	
E1	Suspected "Tar" Heroin-.02 grams approx/Valued at \$40.00												
E2	Suspected Marijuana-4.7grams approx/Valued at \$50.00												
E3	Plastic Syringes with Plungers & Needles												
On Sunday March 18, 2007 at approx. 1355 hours I was on patrol as car #802 when I arrested A1-Mays for the possession of Heroin and two outstanding SFPD warrants.													
MVN#-0889227-28-29-30													
SFPD Case#07-0282090/Warrant #WXX-622689/WXX-SD14921													
94 INVESTIGATOR NOTIFIED													
OR STATUS: <input type="checkbox"/> OPEN <input type="checkbox"/> SUSPENDED				CLOSED BY: <input type="checkbox"/> ARREST <input type="checkbox"/> EXCEPTION <input type="checkbox"/> UNFOUNDED				OR DISPOSITION					
97 REPORTING OFFICER Thomas Hart, Sgt		BADGE /ID 1036		DATE 3-18-07		98 ASSISTING OFFICER		BADGE /ID		99 SUPERVISOR		BADGE /ID DATE	

0001

NATIONAL PARK SERVICE

SUPPLEMENTAL CRIMINAL INCIDENT RECORD

1 JUVENILE CASE I

2 SYSTEM AREA

United States Park Police/SFFO

8 WHEN
DID IT
OCCUR?

MO.

DAY

YR.

4 YEAR

CASE/INCIDENT NUMBER

0 3

1 8

0 7

0 7

0 0 2 8 6 7

5 NATURE OF INCIDENT

Drugs-Heroin/Wanted Person-One Arrest

6 RECLASSIFICATION OF INCIDENT

ITEM

7 RESULTS OF INVESTIGATION

[REDACTED]

On Sunday March 18, 2007 at approx. 1350 hours I was on patrol in a marked USPP patrol vehicle as car #802 in the area of Crissy Field East Beach when I observed a 1986 Toyota sedan (Ca-5WQK054) parked west of the Crissy Field restrooms with no front tag displayed, as required by CVC-5200(a). As I approached this vehicle for further investigation all three adult occupants made eye contact with me. The adult female seated in the front passenger's seat, later identified as Jenny Benzon, quickly turned at her waist and bent over to her left in a deliberate attempt to conceal something from a uniformed police officer. As I neared the front passenger door I observed in plain view a small clear plastic "bottle cap" filled with water and a red "Bic" style lighter on the vehicle's front dashboard. At this same time the adult female seated in the drivers seat, Nicole Mays, leaned over and asked me if it was illegal to park on the grass, I replied no, and advised her that her car didn't have a front license plate. Due to the actions of the front seat passenger and the presence of the "bottle cap water" and the lighter, which is consistent with the use of controlled substances I asked S1-Benzon to step out of the vehicle. As S1-Benzon exited the vehicle I observed two metal spoons on the front seat. One spoon had had a thick dark substance affix to the bottom of the spoon. On the seat next to both spoons was a small dark substance wrapped up in a clear plastic bindle. The dark substance on the spoon along with the substance wrapped-up in plastic was immediately recognized by me as the controlled dangerous substance "Tar" Heroin.

When I asked all three subjects who owned the Heroin, A1-Mays replied, "It's mine". A1-Mays, S1-Benzon and S2-McNatt were run through the NCIC/CLETS computer systems for any wants or warrants. S1-Benzon and S2-McNatt returned clear. A1-Mays returned with two active arrest warrants issued out of SFPD. A1-Mays was wanted on a \$5,000 FTA warrant and a FTA No-Bail arrest warrant for PC-459/487 issued by SF Superior Court. A1-Mays was placed into custody for the heroin possession and the two active arrest warrants. A search of A1-Mays purse revealed a clear plastic baggie filled with suspected processed marijuana (E2). A search of the vehicle for additional contraband revealed a clear plastic bag filled with twenty full functioning plastic syringes (E3) on the front passenger floorboard. A1-Mays was transported to Dist-8 for further processing. S1-Benzon and S2-McNatt were released on the scene without incident.

While at D-8 A1-Mays was stripped searched in the processing area for additional contraband with negative results. Ranger Jennifer Spaulding #1617 conducted this search. A1-Mays was charged with CVC 5200 (a) No Front License Plate, 21 USC 844 (a) Poss. of Heroin, 36 CFR 2.35 (b) (2) Poss. Of Marijuana and B&P4140-Poss. of Hypodermic Needles. A1-Mays was issued an April 30, 2007 court date in reference to the above listed charges. Mays acknowledged this date by signing each court date on each MVN.

A1-Mays was transported to SF County Jail #9 for the warrant processing. The suspected Heroin and Marijuana seized in this incident were removed from the scene and placed into the D8 evidence locker for pending DEA Lab analysis. One metal spoon, "bic" style lighter, plastic syringes, and a clear bottle cap (2a-d) were secured in the Dist-8 evidence locker as evidence.

*The 1986 Toyota was driven from the scene by S2-McNatt per A1-Mays request.

8 WARRANT(S)

9

10 ID TECH NOTIFIED

11 INVESTIGATOR NOTIFIED

12

☒ YES
☐ NO☐ LATENTS
☒ PHOTOS

PAGE 2 OF 2 PAGES

13

STATUS: ☒ OPEN☐ SUSPENDED

CLOSED BY:

☒ ARREST☐ EXCEPTION☐ UNFOUNDED

14 REPORTING OFFICER

BADGE/ID

DATE

15 INVESTIGATOR

BADGE/ID

DATE

16 SUPERVISOR

BADGE/ID

DATE

Sgt. Thomas Hart #1036 3-18-2007

0002

EXHIBIT B

1 BARRY J. PORTMAN
Federal Public Defender
2 ELIZABETH M. FALK
Assistant Federal Public Defender
3 450 Golden Gate Avenue
San Francisco, CA 94102
4 Telephone: (415) 436-7700
5 Counsel for Defendant MAYS

6
7 IN THE UNITED STATES DISTRICT COURT
8 FOR THE NORTHERN DISTRICT OF CALIFORNIA

9 UNITED STATES OF AMERICA,
10
11 Plaintiff,

12 v.

13 NICOLE MAYS,
14
15 Defendant.

No. CR 07-0295

DECLARATION OF NICOLE
MAYS IN SUPPORT OF MOTION
TO SUPPRESS EVIDENCE AND
STATEMENTS

Date: September 18, 2007
Time: 11:00 a.m.
Court: The Honorable Elizabeth D.
Laporte

16
17 I, NICOLE MAYS, declare the following to be true under penalty of perjury:

- 18
19 1. On March 18, 2007, I was sitting in my automobile with two other individuals in a
20 parked car in a grassy area near the restrooms in Crissy Field. I was the driver of the
21 automobile that day;
22 2. I was seated in the driver's seat and was about to drive away from the area;
23 3. Before I could pull away, I was suddenly surrounded by United States Park Police
24 vehicles on all sides. The Park Police used their vehicles to block my path;
25 4. One officer pulled off the road onto the grassy area, and parked his car cross-wise in
26 front of my car, three feet away from my car, blocking me from making any forward

1 movement with my vehicle;

2 5. A few moments later, another deputy arrived and parked fewer than three feet behind
3 me, cross-wise behind me, which prevented me from moving my vehicle backwards;

4 6. There were other vehicles parked to my left and my right that were not law
5 enforcement vehicles;

6 7. These officers and their vehicles "book-ended" my car. As such, due to the officers'
7 actions, I could not move my vehicle in any direction, and thus could not leave the
8 area;

9 8. At all times on March 18, 2007, both the front and back license plates were visibly
10 attached to my car in the proper location.

11
12 I declare that the above statements are true and correct to the best of my recollection.

13 Signed and dated this the 14th day of August, 2007.

14
15
16 
17
18
19
20
21
22
23
24
25
26
NICOLE MAYS

EXHIBIT C

1 BARRY J. PORTMAN
Federal Public Defender
2 ELIZABETH M. FALK
Assistant Federal Public Defender
3 19th Floor Federal Building
450 Golden Gate Avenue
4 San Francisco, CA 94102
(415) 436-7700
5
6 Counsel for Defendant MAYS
7

8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA
10

11 UNITED STATES OF AMERICA,)	No. CR 07-0295 MAG
)	
12 Plaintiff,)	DECLARATION OF JOHN SULLIVAN
)	
13 v.)	
)	
14 NICOLE L. MAYS,)	
)	
15 Defendant.)	
)	

16 I, John Sullivan, declare the following:
17

- 18 1. On March 18, 2007, I was the registered owner of a grey 1986 Toyota Tercel, California
19 plate 5WQK054, which was being operated by defendant Nicole Mays, with my
20 permission. I purchased this vehicle on November 27, 2006 and sold it on April 27,
21 2007.
- 22 2. I last had visual contact with my 1986 Toyota Tercel, California plate 5WQK054 on
23 February 25, 2007, whereupon I went into custody on a probation violation. At that time,
24 I am certain that the vehicle possessed both its front and rear license plates.
- 25 3. In late 2006, the rear license plate of my 1986 Toyota Tercel was stolen. I requested new
26 plates from the Department of Motor Vehicles and upon receipt, immediately placed them

1 on my vehicle. As a result of this incident, my attention was routinely drawn to the
2 presence of the vehicle's plates.

3 I declare under penalty of perjury that the foregoing is true and correct, except for those
4 matters stated on information and belief, and as to those matters, I am informed and believe them
5 to be true.

6
7 Executed this 9 day of ~~July~~ 2007 at Santa Rosa, California.

8 AUGUST

9 
JOHN SULLIVAN

EXHIBIT D

1 BARRY J. PORTMAN
Federal Public Defender
2 ELIZABETH M. FALK
Assistant Federal Public Defender
3 19th Floor Federal Building
450 Golden Gate Avenue
4 San Francisco, CA 94102
(415) 436-7700
5
Counsel for Defendant MAYS
6
7

8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA
10

11 UNITED STATES OF AMERICA,)

No. CR 07-0295 MAG

12 Plaintiff,)

**DECLARATION OF PASTOR
"CARMELA" CARMEN PEREZ**

13 v.)

14 NICOLÉ L. MAYS,)

15 Defendant.)
16

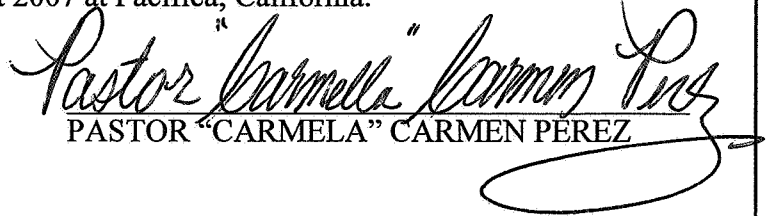
I, Pastor Carmela Perez, declare the following:

- 17 1. I am the mother of Robert Perez, the fiancé to defendant Nicole Mays.
18 2. On October 14, 2006, I received a ticket from the California Highway Patrol in Santa
19 Rosa for a missing registration sticker on my rear license plate. This experience made me
20 mindful of others' license plates and registration stickers.
21 3. On approximately April 18, 2007, my wallet was stolen from my home in Pacifica,
22 California. On Monday, April 23, 2007, defendant Nicole Mays drove me to the
23 California Department of Motor Vehicles ("DMV") in her silver-colored sedan so that I
24 could obtain a replacement driver's license. When Nicole Mays picked me up at my
25

26 ///

1 home, I noticed that her vehicle had both its front and rear license plates.
2 I declare under penalty of perjury that the foregoing is true and correct, except for those matters
3 stated on information and belief, and as to those matters, I am informed and believe them to be
4 true.

5 Executed this 2 day of August 2007 at Pacifica, California.

6 
7 PASTOR "CARMELA" CARMEN PEREZ
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26